

ORDINANCE NO. 2007-13-2M

AN ORDINANCE TO VACATE A PORTION OF  
A PLATTED EASEMENT IN  
THE COUNTY OF TIPPECANOE, INDIANA

Be it Ordained by the  
Board of County Commissioners  
of the County of Tippecanoe, Indiana

Section 1. That the following portion of a platted easement is hereby vacated:

See Exhibit A attached hereto an  
incorporated herein by reference

Section 2. That a plot of said vacation is attached hereto.

Section 3. This ordinance shall be in full force and effect from and after its passage.

Finally passed and adopted by the Board of County Commissioners of Tippecanoe County,  
Indiana upon this 5<sup>th</sup> day of March, 2007.

Vote

Yes

No

✓

✓

✓

K.D. Benson  
K.D. Benson, President

Ruth E. Shedd  
Ruth E. Shedd

John Knochel  
John Knochel

ATTEST:

Jennifer Weston  
Jennifer Weston, Auditor

## EXHIBIT A

A part of the northeast quarter of Section Fifteen (15), Township Twenty-three (23) North, Range Five (5) West, being part of Huntington Farms Phase 3, Section 2 recorded in Plat Cabinet 8, Slide 38, on October 24, 2006, in the Tippecanoe County Recorder's Office, being more completely described as follows, to-wit:

Commencing at the southwest corner of Lot 164 of said Huntington Farms Phase 3, Section 2, said point being marked by a 5/8" rebar with a yellow plastic cap stamped "CEA"; thence North 30°06'29" East along the line between said Lot 164 and Lot 165 of Huntington Farms Phase 3, Section 2, 24.30 feet; thence South 59°53'31" East, 6.00 feet to the southwest corner of the existing foundation wall; thence along the face of the existing foundation wall North 30°06'29" East, 68.30 feet to the northwest corner of the existing foundation wall; thence along the face of the existing foundation wall South 59°53'31" East, 4.00 feet to the easterly side of a 20 foot drainage and utility easement; thence along the said easement South 30°06'29" West, 68.30 feet to the face of the existing foundation wall; thence North 59°53'31" West, 4.00 feet to the point of beginning, containing 273 square feet more or less.

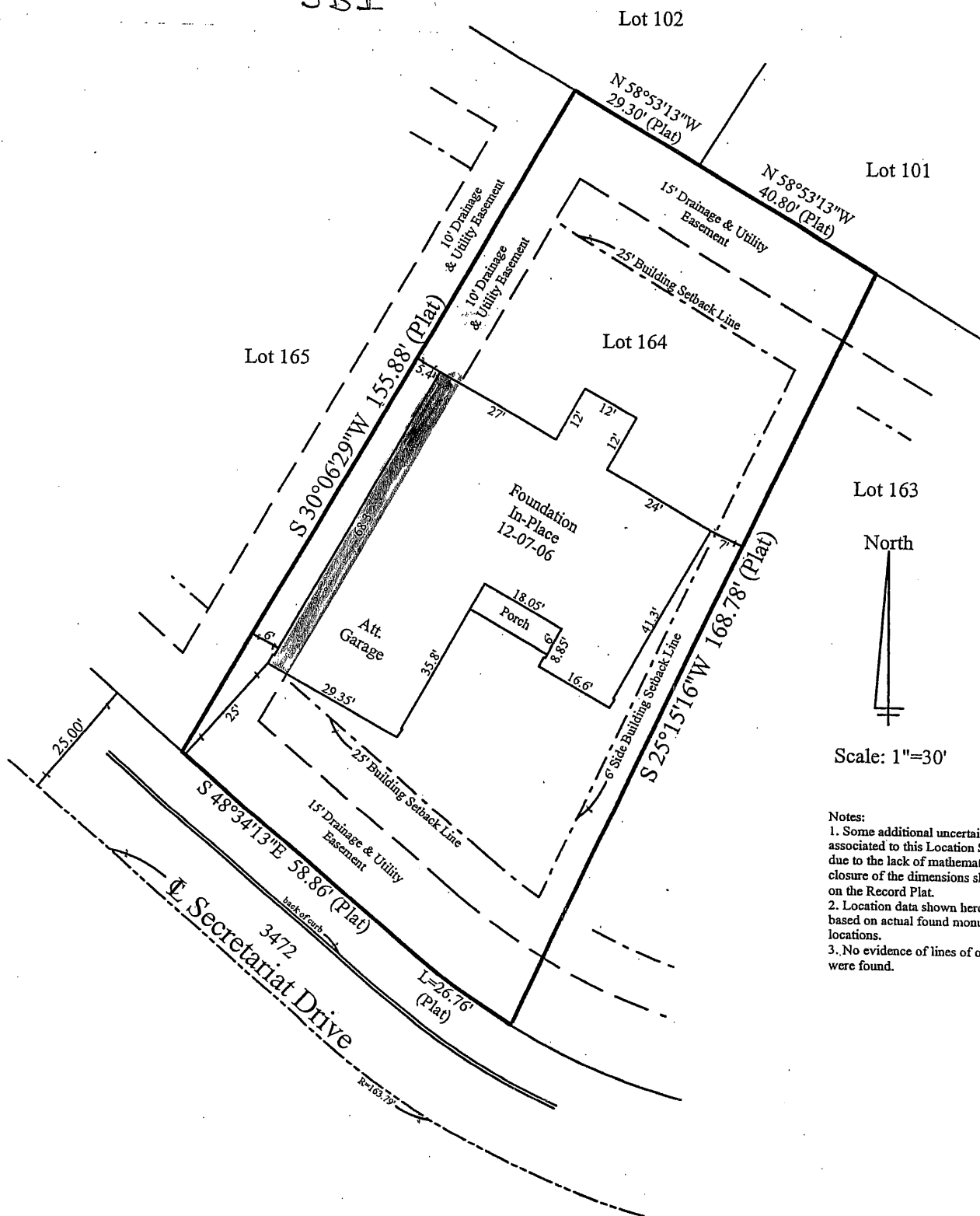
# SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

## NOTE:

1. A PORTION OF THE FOUNDATION LIES WITHIN THE 10 FT. DRAINAGE & UTILITY EASEMENT.

JBI



- Notes:
1. Some additional uncertainty is associated to this Location Survey due to the lack of mathematical closure of the dimensions shown on the Record Plat.
  2. Location data shown hereon is based on actual found monumentation locations.
  3. No evidence of lines of occupation were found.

## SURVEYOR LOCATION REPORT

PROPERTY ADDRESS: 3472 Secretariat Drive; West Lafayette, Indiana 47906

### PROPERTY DESCRIPTION:

Lot Numbered One Hundred Sixty-four (164) in Huntington Farms, Phase Three (3), Section Two (2), an addition to Wabash Township, Tippecanoe County, Indiana, as per Plat thereof, dated October 6, 2006 and recorded October 24, 2006, as Document No. 06023670, in Plat Book 8, Page 79, in the Office of the Recorder of Tippecanoe County, Indiana.

SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD AND ON THE GROUND.

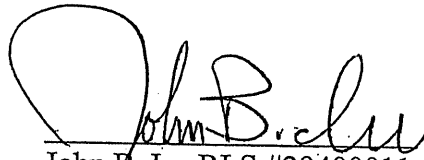
### FLOOD HAZARD STATEMENT:

The within described tract of land does not lie within that Special Flood Hazard Zone A as said tract plots by scale on Community Panel Number 180428 0030 B of the Flood Insurance Rate Maps for Tippecanoe County, Indiana (Maps dated March 16, 1981).

TITLE COMPANY: TIPPECANOE TITLE SERVICES, INC. and all other interested Title Companies.

I HEREBY CERTIFY TO THE PARTIES NAMED ABOVE THAT THE REAL ESTATE DESCRIBED HEREIN WAS INSPECTED UNDER MY SUPERVISION ON THE DATE INDICATED AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT CONFORMS WITH THE REQUIREMENTS CONTAINED IN SECTIONS 27 THROUGH 29 OF 865 IAC 1-1-12 FOR A SURVEYOR LOCATION REPORT. THE ACCURACY OF ANY FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

DATE OF SURVEY: December 7, 2006

  
John B. Irr, RLS #29400011  
IRR SURVEYING  
3300 Beech Drive  
Lafayette, Indiana 47905  
Phone (765) 447-3764  
FAX (765) 448-6611

REPORT JOB NUMBER: 3N-06-099

PROPOSED BUYER: Debra L Musser and Bernita A. Chamness

PROPOSED LENDER: PURDUE EMPLOYEES FEDERAL CREDIT UNION

ORDERED BY: TIPPECANOE TITLE SERVICES, INC.

SHEET 2 OF 2



PROOF OF PUBLICATION

Ball Eggleston PC

SS:

Charge for Publication \$ 136.55

On this **Monday, February 19, 2007** before me the undersigned personally came Lorna Moore, who swears that she is clerk of the Lafayette Journal and Courier, a newspaper of general circulation, printed and published in the city of Lafayette, in said County; and that the advertisement in the above entitled cause, whereof a true copy appears in the margin hereof, was duly and legally published in the Daily issue of said newspaper by insertions, to-wit. The first insertion being on **February 16, 2007**

The second on:

The third on:

The fourth on:

Lorna Moore

Subscribed and sworn to before me on this day of :

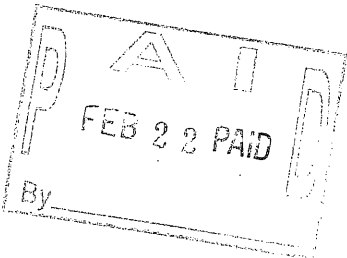
Monday, February 19, 2007

Notary Public



R. GLEN VICK, JR.  
NOTARY PUBLIC STATE OF INDIANA  
TIPPECANOE COUNTY  
MY COMMISSION EXPIRES JULY 14, 2008

pd 136.55  
V 29777



Vester  
53472

Ad Number # 1045086

A of  
at here

State of Indiana  
County of Tippecanoe  
SS:  
Before the Board of County Commissioners,  
Tippecanoe County,  
Indiana:  
Notice of a Hearing on a Petition on to Vacate a Portion of a Platted Easement  
Notice is hereby given that the Board of County Commissioners of Tippecanoe County will hold a public hearing on the petition of Wally's III, LLC by Vester & Associates, Inc. to vacate a portion of a platted easement described as follows:  
A part of the northeast quarter of section fifteen (15), township twenty-three (23) north, range five (5) west, being part of Huntington Farms Phase 3, Section 2 recorded in Plat Cabinet 8, Slide 38, on October 24, 2006, in the Tippecanoe County Recorder's Office, being more completely described as follows, to-wit:  
Commencing at the southwest corner of Lot 164 of said Huntington Farms Phase 3, Section 2, said point being marked by a 5/8" rebar with a yellow plastic cap stamped "CEA"; thence north 30°06'29" east along the line between said Lot 164 and Lot 165 of Huntington Farms Phase 3, Section 2, 24.30 feet; thence south 59°53'31" east, 6.00 feet to the southwest corner of the existing foundation wall; thence along the face of the existing foundation wall north 30°06'29" east, 68.30 feet to the northwest corner of the existing foundation wall; thence along the face of the existing foundation wall south 59°53'31" east, 4.00 feet to the easterly side of a 20 foot drainage and utility easement; thence along the said easement south 30°06'29" west, 68.30 feet to the face of the existing foundation wall; thence north 59°53'31" west, 4.00 feet to the point of beginning, containing 273 square feet more or less.  
Said hearing will be conducted at 10:00 a.m. on the 5th day of March, 2007, at the County Office Building at 20 North 3rd Street, Lafayette, Indiana.  
Board of County Commissioners, Tippecanoe County, Indiana  
Attest: Jennifer Weston,  
Auditor  
2/16/2007 No. 1045086

PROOF OF PUBLICATION

STATE OF INDIANA  
COUNTY OF TIPPECANOE

Notice of a hearing on petition of Wally's to Vacate a portion of a Platted Easement.

07-81 2/15/07  
State of Indiana County of Tippecanoe before the Board of County Commissioners, Tippecanoe County, Indiana Notice of a Hearing on a Petition on to Vacate a Portion of a Platted Easement  
Notice is hereby given that the Board of County Commissioners of Tippecanoe County will hold a public hearing on the petition of Wally's III, LLC by Vester & Associates, Inc. to vacate a portion of a platted easement described as follows:  
A part of the Northeast quarter of Section Fifteen (15), Township Twenty-three (23) North, Range Five (5) West, being part of Huntington Farms phase 3, section 2 recorded in Plat Cabinet 8, Slide 38, on October 24, 2006, in the Tippecanoe County Recorder's Office, being more completely described as follows, to-wit:  
Commencing at the southwest corner of Lot 164 of said Huntington Farms Phase 3, Section 2, said point being marked by a 5/8" rebar with a yellow plastic cap stamped "CEA"; thence North 30°06'29" East along the line between said Lot 164 and Lot 165 of Huntington Farms Phase 3, Section 2, 24.30 feet; thence South 59°53'31"

)ss:  
)In the \_\_\_\_\_ Court of said county.  
)Charge for Publication **\$ 83.20**  
)On **February 15, 2007**, the  
)undersigned,  
)personally came Rhonda S. Parker, who swears that she is Office Coordinator of THE LAFAYETTE LEADER, a newspaper of general circulation, published in the City of Lafayette, in said county; and that the advertisement in the above entitled cause, whereof a true copy appears in the margin hereof, was duly and legally published in the Weekly issue of said newspaper by 1 insertions, to-wit. The insertion date(s) are:

2/15/2007  
Rhonda Parker  
Rhonda S. Parker, Office Coordinator

Subscribed and sworn to before me this  
15<sup>th</sup> day of February 2007

Emma J. Roth  
Emma J. Roth, Notary Public  
Commission # 541526 Exp. 6-14-2013

PAID  
2-19-2007

EMMA J. SOMMERS-ROTH  
Resident of White County  
My Commission Expires  
June 14, 2013



## Partial Release of Public Utility Easement

Verizon North Inc. (VZN) does hereby release any and all easement rights VZN may currently have within the 4.8' x 68.3' x 4' area denoted on attached Exhibit "A", within the ten (10) foot utility and drainage easement on Lot 164 of Hunt Farm Subdivision Phase 3, Section 2, as recorded in Plat Cabinet 8, on October 24, 2006, in the Office of the Recorder of Tippecanoe County, Indiana, noted on the attached Exhibit A.

Joan E. Timm  
Verizon North Inc.  
Joan Timm- Manager/ Indiana- Network Engineering

State of Indiana)  
SS)  
County of Allen)

Before me, the undersigned Notary Public, in and for the County and State,  
personally appeared Joan Timm, Manager/ Indiana Network Engineering of  
Verizon North Inc., who acknowledged her execution of this document  
as her voluntary act and Deed, for the purpose herein expressed.

WITNESS MY HAND AND NOTARIAL SEAL THIS 2 DAY OF February 2007.

Heather Bustos  
Notary Public,

Heather Bustos

Residing in Allen County

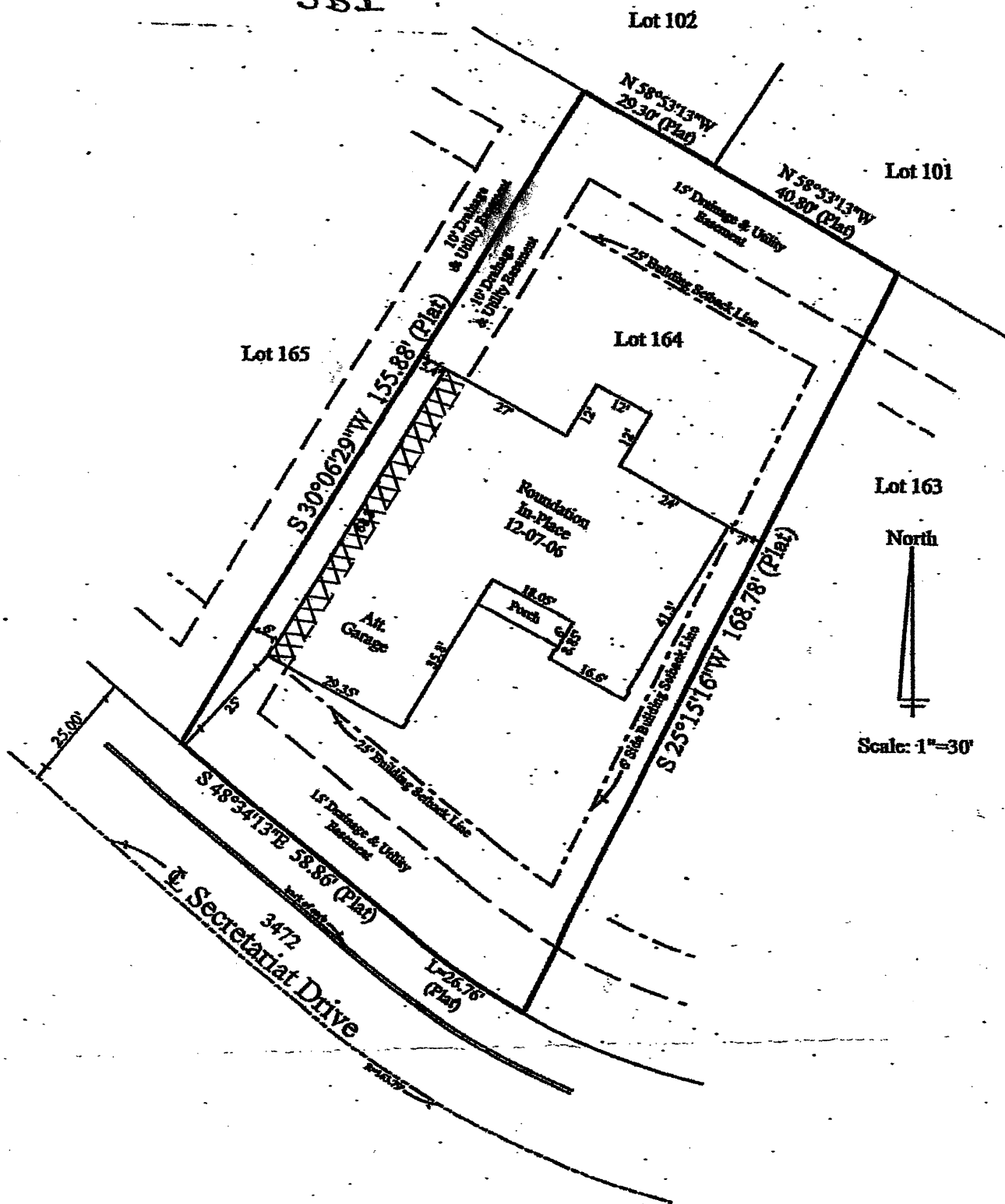
My Commission Expires April 24, 2013



1. A PORTION OF THE  
 FOUNDATION LIES  
 WITHIN THE 10 FT.  
 DRAINAGE & UTILITY  
 EASEMENT.

JBI

# Exhibit A



North

Scale: 1"=30'

Easement released denoted by XXXX



**RIGHT TO ENCROACH**

I, the undersigned CHRISTOPHER JOHNSEN, on behalf of INDIANA AMERICAN WATER CO., do hereby release any and all interest that INDIANA AMERICAN WATER CO. may currently have in the twenty (20) foot drainage and utility easement between Lots 164 and 165 of Huntington Farms Subdivision Phase 3, Section 2, as recorded in Plat Cabinet 8, Slide 38, on October 24, 2006, in the Office of the Recorder of Tippecanoe County, Indiana.

Christopher Johnsen  
INDIANA AMERICAN WATER CO.  
By: Chth John

STATE OF INDIANA)

SS)

COUNTY OF TIPPECANOE)

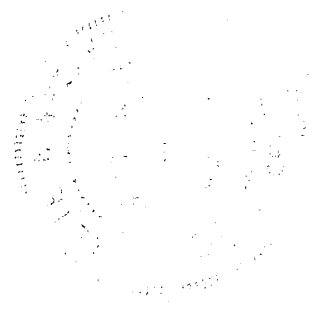
Before me, the undersigned Notary Public, in and for the County and State, personally appeared Christopher Johnsen, who is the Representative of INDIANA AMERICAN WATER CO., who acknowledged the execution of this document as his voluntary act and deed, for the purpose herein expressed.

WITNESS MY HAND AND NOTARIAL SEAL THIS 1<sup>ST</sup> DAY OF February, 2007.

Julie M. Wright  
Notary Public Julie M. Wright

Residing in TIPPECANOE County

My Commission Expires 08/07/2007



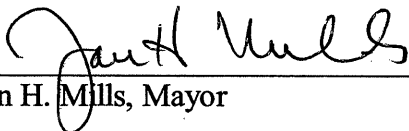
**AGREEMENT TO VACATE**

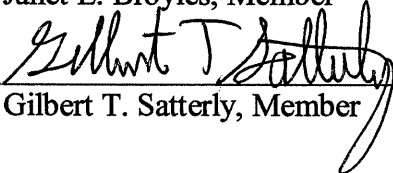
On behalf of the CITY OF WEST LAFAYETTE, the undersigned MEMBERS OF THE BOARD OF PUBLIC WORKS AND SAFETY do hereby release any and all interest that the CITY OF WEST LAFAYETTE may currently have in that portion of the twenty (20) foot easement upon which the residence sits in the easement between Lots 164 and 165 of Huntington Farms Subdivision Phase 3, Section 2, as recorded in Plat Cabinet 8, Slide 38, on October 24, 2006, in the Office of the Recorder of Tippecanoe County, Indiana, said portion being more completely described on the attached Exhibit A.

APPROVED:

DATE: 1/30/2007

CITY OF WEST LAFAYETTE  
BOARD OF PUBLIC WORKS AND SAFETY

  
\_\_\_\_\_  
Jan H. Mills, Mayor

Janet L. Broyles, Member  
  
\_\_\_\_\_  
Gilbert T. Satterly, Member

Attest:

  
\_\_\_\_\_  
Clerk-Treasurer Judith C. Rhodes

RIGHT TO ENCROACH

I, the undersigned Brian Hall, on behalf of Vectren Energy Delivery, do hereby release any and all interest that Vectren Energy Delivery may currently have in the twenty (20) foot drainage and utility easement between Lots 164 and 165 of Huntington Farms Subdivision Phase 3, Section 2, as recorded in Plat Cabinet 8, Slide 38, on October 24, 2006, in the Office of the Recorder of Tippecanoe County, Indiana.

Brian Hall  
Vectren Energy Delivery  
By: Brian Hall - Planning Supervisor

STATE OF INDIANA)

SS)

COUNTY OF TIPPECANOE)

Before me, the undersigned Notary Public, in and for the County and State, personally appeared Brian L. Hall, who is the Planning Supervisor of Vectren Energy Delivery who acknowledged the execution of this document as his voluntary act and deed, for the purpose herein expressed.

WITNESS MY HAND AND NOTARIAL SEAL THIS 29<sup>th</sup> DAY OF December, 2006

Julie M Wright  
Notary Public,

JULIE M WRIGHT  
Notary Public, State of Indiana  
Residing in County of Tippecanoe County  
My Commission Expires Aug 7, 2007  
My Commission Expires \_\_\_\_\_



**RIGHT TO ENCROACH**

I, the undersigned Kerry Plantenga, on behalf of Insight Communications, do hereby release any and all interest that Insight Communications may currently have in the twenty (20) foot drainage and utility easement between Lots 164 and 165 of Huntington Farms Subdivision Phase 3, Section 2, as recorded in Plat Cabinet 8, Slide 38, on October 24, 2006, in the Office of the Recorder of Tippecanoe County, Indiana.

Insight Communications  
Insight Communications  
By: Kerry Plantenga Const Supervisor 1/5/07

STATE OF INDIANA)

SS)

COUNTY OF TIPPECANOE)

Before me, the undersigned Notary Public, in and for the County and State, personally appeared Kerry Plantenga, who is the Construction Supervisor of Insight Communications, who acknowledged the execution of this document as his voluntary act and deed, for the purpose herein expressed.

WITNESS MY HAND AND NOTARIAL SEAL THIS 5 DAY OF January, 2007.

Marcia M Morris  
Notary Public, MARCIA M MORRIS

Residing in Tippecanoe County

My Commission Expires 10-3-07

AGREEMENT TO VACATE

I, the undersigned Ken Ritchey, on behalf of  
TIPMONT REMC, do hereby release any and all interest that TIPMONT REMC may  
currently have in that part of the twenty (20) foot easement upon which the residence sits  
in the easement between Lots 164 and 165 of Huntington Farms Subdivision Phase 3,  
Section 2, as recorded in Plat Cabinet 8, Slide 38, on October 24, 2006, in the Office of  
the Recorder of Tippecanoe County, Indiana.

Ken Ritchey 1/2/07  
TIPMONT REMC

By: General Manager

STATE OF INDIANA)

SS)

COUNTY OF )

Before me, the undersigned Notary Public, in and for the County and State, personally

appeared Ken Ritchey, who is the General Manager

of TIPMONT REMC who acknowledged the execution of this document as his voluntary  
act and deed, for the purpose herein expressed.

WITNESS MY HAND AND NOTARIAL SEAL THIS 2<sup>nd</sup> DAY OF

Jan, 2007.

Joseph P. Kline  
Notary Public, Joseph P. Kline

Residing in Tippecanoe County

My Commission Expires Dec 18, 2011